

## **04-619      WEIL V. UNITED STATES**

### **QUESTIONS PRESENTED**

1. Does district court and 11<sup>th</sup> Circuit refusal in a matter of first impression to opine on a serious jurisdictional issue which divested court authority, because it involves the child of one of its own judges, conflicts of interest and separation of powers doctrine, violates Weil's right to due process, deny him access to the courts and meaningful opportunity to have the jurisdictional issue decided by a neutral court?
2. Is the executive branch exempt from the provisions of 28 U.S.C. §458 et. seq. 1999, when the language is clear, plain, unambiguous and prohibits any blood relative of any sitting judge from being appointed, employed or performing any duty in any courthouse in which that relative/judge is on the bench, as a conflict of interest and violative of separation of powers, when the relative here is his AUSA daughter and the statute has no savings clause?
3. Is a secretly hand-altered indictment of four different versions suppressed for five years, none of the changes made by the court or told to the court, jury or defense, divest court jurisdiction when the changes and the suppression is uncontroverted by the government, is uncovered during §2255 proceedings, ignored by district court, refused to address issue by appeals court because suppressor is AUSA relative of one of its judges, violate due process and equal treatment guarantees of 5th and 14th amendments?
4. Does the disappearance of an exculpatory #302 from FBI files, the admitted alteration of AUSA videotape shown to jury, uncontroverted witness and evidence tampering, deficient jury instructions, uncrossed testimonial hearsay warrant issuance of a certificate of appealability and is violative of Brady, deprivation of due process and highly prejudicial individually and cumulatively?
5. When Weil was sentenced for money laundering on the basis of an amount not charged in the indictment, for which the jury did not find any guilt whatsoever, no less beyond reasonable doubt, then court relies on false, inaccurate basis of its uncontroverted misconception of AUSA altered videotape, to enhance the sentence, does it violate the 6th Amend., Apprendi and Blakely, and was counsel ineffective for failing to raise it at sentencing?
6. Did the 11th Circuit err in not granting COA, not hearing case on its merits and in refusing to address the issues of jurisdiction, separation of powers and conflicts of interest, the suppressed indictments and other prosecutorial misconduct by AUSA daughter of one of the judges of its court, and was

counsel ineffective for failing to ever raise any of these issues?

7. Should Judge Marcus have been mandatorily recused pursuant to 28 U.S.C. § 455(a), (b)(1), (b)(3) and/ or (b)(4)?